

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIANNA C. PASKIEWICZ,
Plaintiff,
v.
LILIA GARCIA-BROWER, et al.,
Defendants.

No. 2:21-cv-00123-TLN-AC

ORDER

Plaintiff Brianna C. Paskiewicz (“Plaintiff”), an individual proceeding *pro se*, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(21).

On January 28, 2021, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No 3.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 4.) However, Plaintiff fails to adequately rebut or dispute the magistrate judge’s finding that the claims in the instant case were already litigated in *Paskiewicz v. Garcia-Brower et al.*, No. 2:20-cv-02238-TLN-AC (E.D. Cal.) and therefore barred by the doctrine of res judicata. (*Id.*)

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The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations filed January 28, 2021 (ECF No. 3), are
8 ADOPTED IN FULL; and
9 2. Plaintiff's request to proceed *in forma pauperis* (ECF No. 2) is GRANTED, but the
10 Complaint (ECF No. 1) is DISMISSED with prejudice because it is barred by the doctrine of res
11 judicata.

IT IS SO ORDERED.

DATED: April 13, 2021


Troy L. Nunley
United States District Judge